

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

WILLIAM F. KING, JR.,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:04CV303-P-B

CITY OF SOUTHAVEN, MISSISSIPPI, ET AL.,

DEFENDANTS.

ORDER

This matter comes before the court upon Motion of Southaven Police Department to Dismiss [5-1]. Upon due consideration of the motion, the court finds as follows, to-wit:

The instant motion to dismiss was filed on January 10, 2005. On January 26, 2005, the plaintiff filed a motion for an additional sixty days by which to file his response. On April 18, 2005, the court granted the motion, giving the plaintiff until April 25, 2005 to file his response. No response has been filed some three months later. Local Rule 7.2(c)(3) requires a party to notify the court if it intends not to respond. The court has received no such notification. Local Rule 7.2(c)(2) allows the court to grant a motion to which no response has been filed.

The court concludes that the motion to dismiss should be granted for failure to respond and also based upon the merits since the Southaven Police Department is not an entity separate from the City of Southaven.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The Motion of Southaven Police Department to Dismiss [5-1] is hereby **GRANTED**;

accordingly,

(2) The plaintiff's claims against the Southaven Police Department are **DISMISSED**

WITH PREJUDICE.

SO ORDERED this the 25th day of July, A.D., 2005.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE